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BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of
SOUTHERN CALIFORNIA EDISON
COMPANY (U338E) for a Certificate of
Public Convenience and Necessity for the
West of Devers Upgrade Project and for
an Interim Decision Approving the
Proposed Transaction between Southern
California Edison and Morongo
Transmission LLC.

Application 13-10-020
(Filed October 25, 2013)

ASSIGNED COMMISSIONER'S SCOPING MEMO

This scoping memo and ruling sets forth the category, scope, and schedule of the proceeding pursuant to Rule 7.3 of the Commission's Rules of Practice and Procedure. Written prepared direct testimony regarding the infeasibility of the environmentally superior alternative and mitigation measures, and intervenors' rebuttal testimony regarding all other issues, shall be concurrently served on October 27, 2015. Written prepared testimony in rebuttal to the October 27, 2015 prepared testimony shall be concurrently served on November 10, 2015. Evidentiary hearing is set for November 16 and 17, 2015.

1 Procedural Background

By this application, Southern California Edison Company (SCE) seeks a certificate of public convenience and necessity (CPCN) to construct the West of Devers Upgrade Project. This project would involve upgrading and reconfiguring approximately 48 miles of existing facilities, including 220 kV transmission lines and several existing substations.¹

Pursuant to Public Utilities Code Section (Pub. Util.) 1001 et seq., SCE may not proceed with its proposed project absent certification by the Commission that the present or future public convenience and necessity require it, and such certification shall specify the maximum prudent and reasonable cost of the approved project. In addition, pursuant to General Order 131-D, SCE may not proceed with its proposed project absent the Commission's determination that the project complies with the California Environmental Quality Act (CEQA) and with the Commission's policies requiring the use of low-cost and no-cost measures to mitigate electromagnetic field effects (EMF).

CEQA requires the lead agency (the Commission in this case) to conduct a review to identify the environmental impacts of the project, and ways to avoid or reduce environmental damage, for consideration in the determination of whether to approve the project, a project alternative, or no project. If the

¹ The application also requests an interim decision approving a transaction between SCE and the Morongo Transmission LLC, which would provide SCE with access to a right-of-way across Morongo tribal land for construction of a portion of the upgrade project. By ruling dated April 30, 2014, the administrative law judge denied the request and determined that the request for approval of the transaction will be considered concurrently with the consideration of the request for a CPCN.

proposed project will have a significant environmental impact, then the lead agency shall prepare an environmental impact report (EIR) that identifies the environmental impacts of the proposed project and alternatives, designs a recommended mitigation program to reduce any potentially significant impacts, and identifies, from an environmental perspective, the preferred project alternative.

Because the project also requires approval from the federal Bureau of Land Management (BLM), it is also subject to environmental review pursuant to the National Environmental Protection Act (NEPA). Where, as here, the federal agencies are not able to prepare an environmental impact statement (EIS) pursuant to NEPA before the state agency prepares its own EIR, the lead agency and federal agencies may prepare a joint document. (CEQA Guidelines § 15222.)

The Commission's Energy Division and BLM issued their joint draft EIR/EIS on August 7, 2015. The draft EIR/EIS identifies the proposed project's environmental impacts, designs mitigation measures to reduce those impacts, and identifies the proposed project as the environmentally superior alternative.

After carefully considering the application, protest, and discussion at the March 4, 2015 prehearing conference, I have determined the issues and schedule of the proceeding to be as set forth in this scoping memo.

2 Issues to be Determined

The issues to be determined are:

1. Does the proposed project serve a present or future public convenience and necessity? This issue encompasses consideration of whether the proposed project is needed to ensure the safe and reliable function of SCE's transmission system.
2. What is the maximum prudent and reasonable cost of the project (if approved)?
3. What are the significant adverse environmental impacts of the proposed project? This issue encompasses consideration of whether the project design comports with Commission rules and regulations and other applicable standards governing safe and reliable operations.
4. Are there potentially feasible mitigation measures or project alternatives that will avoid or lessen the significant adverse environmental impacts? This issue encompasses consideration of how to design the proposed project in a manner that ensures its safe and reliable operation.
5. As between the proposed project and the project alternatives, which is environmentally superior?
6. Are the environmentally superior alternatives and/or mitigation measures infeasible?
7. To the extent that the proposed project and/or project alternatives result in significant and unavoidable adverse environmental impacts, are there overriding considerations that nevertheless merit Commission approval of the proposed project or project alternative?

8. Was the EIR completed in compliance with CEQA, did the Commission review and consider the EIR prior to approving the project or a project alternative, and does the EIR reflect our independent judgment?
9. Is the proposed project and/or project alternative designed in compliance with the Commission's policies governing the mitigation of EMF effects using low-cost and no-cost measures?

3 Need for Evidentiary Hearing

Issue Nos. 1 and 2 (public convenience and necessity for the project, and reasonable cost cap) are material factual issues. To the extent that they are contested, evidentiary hearings are needed on these issues.

Issue Nos. 3, 4 and 5 (environmental impacts, mitigation measures and alternatives, and environmentally superior alternative) are material factual issues. However, they are properly addressed in the course of the CEQA environmental review process and preparation of the EIR/EIS. To the extent any party or member of the public wishes to present evidence on these issues, they should do so in the course of that environmental review process in the form of comment on the draft EIR/EIS. The final EIR/EIS will include such comments and respond to them. Upon completion of the final EIR/EIS, Energy Division shall submit it to the ALJ for admission into the evidentiary record and review and consideration by the Commission. No evidentiary hearing or further evidence is needed on these issues.

Issue No. 6 (infeasibility of mitigation measures and/or project alternatives) is a material factual issue. To the extent that it is contested, evidentiary hearing is needed on this issue.

Issue No. 7 (overriding considerations) concerns the weighing of project need (e.g., Issue No. 1, public convenience and necessity for the project) against the unmitigable environmental impacts as identified in the EIR/EIS. Beyond the evidence taken with regard to those issues, Issue No. 7 is a matter of policy and further evidence is not required. Parties will have the opportunity to brief the issue.

Issue No. 8 (certification of the EIR) is a legal issue of CEQA compliance and no evidence, beyond receipt of the final EIR/EIS, is needed on it. Parties will have the opportunity to brief the issue.

Issue No. 9 (EMF compliance) involves legal and may involve factual issues. SDG&E presents its EMF compliance plan as Appendix H to the application. To the extent that any party contests the factual issues, evidentiary hearing may be needed.²

Accordingly, I affirm the preliminary determination in Resolution ALJ-176-3326 that evidentiary hearing is needed.

4 Schedule

In the interest of securing just and speedy resolution of this proceeding, we will move forward with taking evidence on Issue Nos. 1, 2, 6, and 9 in advance of the issuance of the final EIR/EIS.³

² The issue of the sufficiency of the Commission's adopted EMF policies is beyond the scope of the proceeding.

³ If due process requires the opportunity for parties to provide supplemental evidence on these issues after the issuance of the final EIR/EIS, we will afford that opportunity.

The following schedule is adopted here and may be modified by the Administrative Law Judge (ALJ) as required to promote the efficient and fair resolution of the application:

All parties' direct testimony on Issue No. 6 (infeasibility), and intervenors' rebuttal testimony on Issue Nos. 1 (need), 2 (cost cap), and 9 (EMF compliance)	October 27, 2015
All parties' rebuttal testimony	November 10, 2015
Evidentiary Hearing	9:00 a.m. Monday, November 16, and Tuesday, November 17, 2015 Commission Courtroom State Office Building 505 Van Ness Avenue San Francisco, CA 94012
Opening briefs (all issues)	December 8, 2015 ⁴
Reply briefs (all issues) [matter submitted]	December 22, 2015
Proposed decision	[no later than 90 days after submission]
Commission decision	[no sooner than 30 days after the proposed decision]

Prepared testimony must conform to the requirements of Rule 13.7. Furthermore, the organization of prepared testimony must correlate to the identified issues. Parties shall serve any prepared testimony on the official service list pursuant to Rule 1.9 and Rule 1.10, and shall serve two hard copies of it on the assigned ALJ.

⁴ The briefing dates are contingent on the timely issuance of the final EIR/EIS.

If the parties stipulate to the admission of written testimony without cross-examination, the ALJ may remove the evidentiary hearing from calendar and the parties may move the admission of prepared testimony by written motion pursuant to Rule 13.8(d).

The proceeding should be resolved within 18 months of this scoping memo as provided by Pub. Util. Code § 1701.5.

5 Ex Parte Requirements

This ruling confirms the Commission's preliminary determinations that this is a ratesetting proceeding and that evidentiary hearings are needed. (Resolution ALJ 176- 3335, May 1, 2014.) Accordingly, ex parte communications are restricted and must be reported pursuant to Article 8 of the Commission's Rules of Practice and Procedure.

6 Assignment of Proceeding

Liane Randolph is the assigned Commissioner and Hallie Yacknin is the assigned ALJ and presiding officer for the proceeding.

IT IS RULED that:

1. The scope of this proceeding is described above.
2. The schedule of this proceeding is as set forth above.
3. This proceeding is categorized as ratesetting.
4. Hearings are needed, as described above.
5. The presiding officer is Administrative Law Judge Hallie Yacknin.

Dated August 24, 2015, at San Francisco, California.

/s/ LIANE M. RANDOLPH

Liane M. Randolph
Assigned Commissioner